

FILED 15 DEC 23 16 37 USDC-ORM

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

MEDFORD DIVISION

UNITED STATES OF AMERICA,

Case No. 1:15- CR-00407-MC

Plaintiff,

v.

MOTION TO DISMISS

KENNETH W. MEDENBACH,

FOR LACK OF

Defendant .

JURISDICTION

WHY WOULD,

"We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, ordain and establish this Constitution for the United States of America."

1 Then give the Judicial Department of the United States the power to
2 tell "We the People," what the Constitution means?

3 WE DIDN'T!

4
5 On November 15, 2015, the Defendant, Kenneth W. Medenbach
6 appeared in United States District Court, Medford, Oregon on
7 charges of Count 1 Unlawful Camping and Count 2 Unlawful
8 Occupancy on alleged public lands of the U.S. Bureau of Land
9 Management.

10 Defendant pled not guilty and appointments and trial were set.
11

12 Defendant comes now to move to dismiss Plaintiff's Count 1
13 Unlawful Camping and Count 2 Unlawful Occupancy on alleged
14 public lands of the U.S. Bureau of Land Management.
15

16 Defendant contends the United States District Court lacks
17 jurisdiction to decide this case because Defendant did not camp on or
18 occupy public lands of the U.S. Bureau of Land Management and
19 because the Constitution does not confer upon federal courts the

1 power to interpret the Constitution.

2

3 First, OREGON ADMISSION ACT

4 ACT OF CONGRESS ADMITTING OREGON INTO UNION

5 [Approved February 14, 1859]

6 Section 1. Announcement of admission;...

7 "That Oregon be, and she is hereby, received into the Union on an

8 equal footing with the other States, **in all respects**

9 **whatever**.(emphasis added)(Equal Footings Doctrine of Article IV,

10 Sec. 3, cl. 1, U.S. Constitution)

11 The definition of 'a state' is found in the powers possessed by the

12 original states which adopted the Constitution.

13 As independent nation-states, the sovereign people of the original

14 pre-Constitutional States took national title and dominion to the

15 rivers, seas and lands within their territorial limits, which had been

16 previously held by the Crown of England.

17 When the original 13 nation-states formed the Union, they entered

18 the Union as free, independent, sovereign states, except for the

19 enumerated powers given to the United States by the Constitution.

20

1 Having to cede 70% of Oregon as a condition of statehood to enter the
2 Union of the United States is not being received into the Union on an,
3 “equal footing with the other States, **in all respects**
4 **whatever**.(emphasis added)

5

6 The powers of Congress in respect to the admission of new states is
7 found in, Article IV, Sec. 3 of the Constitution, it states: "New states
8 may be admitted by Congress into this union;" The only
9 constitutional expressed restriction upon this power is that no new
10 state shall be formed within the jurisdiction of any other state, nor by
11 the junction of two or more states, or parts of states, without the
12 consent of such states, as well as of the Congress and in Article IV,
13 Sec.4 which states: "The United States shall guarantee to every State
14 in this Union a Republican Form of Government." These are the only
15 powers delegated to the United States by the Constitution in relation
16 to admission of new States.

17 The power of Congress, in the Oregon Admission Act, "that five per
18 centum of the net proceeds of sales of **all**(emphasis added) public
19 lands lying within said State which shall be sold by Congress after the

20

1 admission of States into the Union, and that any foregoing
2 propositions, hereinbefore offered, are on the condition of a,
3 disclaimer clause, "that the people of Oregon shall provide by an
4 ordinance, irrevocable without the consent of the United States, that
5 said State shall never interfere with the primary disposal of the soil
6 within the same by the United States," are powers not delegated to
7 Congress by the Constitution.

8 The power to extract these terms and conditions from the people of
9 Oregon for entry of Oregon into the union are not powers delegated
10 to the United States by the Constitution, in violation of the 10th
11 Amendment, which states: "The powers not delegated to the United
12 States by the Constitution, nor prohibited by it to the States, are
13 reserved to the States respectively, or to the people."

14
15 Furthermore,

16
17 ACCEPTANCE BY OREGON OF PROPOSITIONS

18 OFFERED BY CONGRESS IN ADMISSION ACT

19 [Approved June 3, 1859]

1 Whereas, the Congress of the United States did pass an act, entitled
2 "An Act for the admission of Oregon into the Union," approved the
3 fourteenth day of February, one thousand eight hundred and fifty-
4 nine; which said act contains the following propositions for the free
5 acceptance or rejection of the people of the State of Oregon, in the
6 words following:

7 Section 4. "The following propositions be, and the same are hereby,
8 offered to the said people of Oregon, for their free acceptance or
9 rejection, which, if accepted, shall be **obligatory**(emphasis added)
10 on the United States and upon the said State of Oregon."

11 Proposition 5: "That five per centum of the net proceeds of sales of
12 **all**(emphasis added) public lands lying within said State, which shall
13 be sold by Congress after the admission of said State into the Union,
14 after deducting all the expenses incident to the same, shall be paid to
15 the State of Oregon for the purpose of making public roads and
16 internal improvements, as the legislature shall direct: Provided, That
17 the foregoing propositions, hereinbefore offered, are on the
18 condition" of a, (disclaimer clause), "that the people of Oregon shall
19 provide by an ordinance, irrevocable without the consent of the

1 United States, that said State shall never interfere with the primary
2 disposal of the soil within the same by the United States, or with any
3 regulations Congress may find necessary for securing the title in said
4 soil to bona fide purchasers thereof; and that in no case shall non-
5 resident proprietors be taxed higher than residents."

6 Oregon fulfilled their unconstitutional obligation, that it shall never
7 interfere with the primary disposal of the soil within Oregon by the
8 United States, or with any regulations Congress may find necessary
9 for securing the title in Oregon soil to bonafide purchasers thereof;
10 and that in no case shall non-resident proprietors be taxed higher
11 than residents.

12
13 The United States did not fulfill their obligation to Oregon that
14 Oregon get five per centum of the net proceeds of sales of
15 **all**(emphasis added) public lands lying in Oregon, which were to be
16 sold by Congress after the admission of Oregon into the Union.

17 In the 1976 Federal Land Policy and Management Act which clarified
18 and redefined the Bureau of Land Management's mission and
19 authority.

1 It's DECLARATION OF POLICY

2 Sec. 102. [43 U.S.C. 1701] (a), states; "The Congress declares that it is
3 the policy of the United States that the public lands be retained in
4 Federal ownership."

5

6 The 1976 Federal Land Policy and Management Act repealed all prior
7 laws related to homesteading in the Lower 48 states including the
8 original 1862 Homestead Act.

9 Of the 61,441,280 total acres in the State of Oregon 10,513,945 total
10 acres were homesteaded. And with the 1976 Federal Land Policy and
11 Management Act the United States Government now owns

12 32,665,430 acres of Oregon, violating their agreement to the people
13 of Oregon, of their **obligation**(emphasis added) that five per centum
14 of the net proceeds of sales of **all**(emphasis added) public lands lying
15 within the State of Oregon, which shall be sold by Congress after the
16 admission of the State of Oregon into the Union.

17 The United States through Congress was obligated to sell
18 **all**(emphasis added) public lands lying within the State of Oregon..
19 Again, the United States did not fulfill their obligation.

20

1 Since Oregon did not enter the Union on an, "equal footing with the
2 other States, **in all respects whatever**(emphasis added) the terms
3 and conditions of an unconstitutional disclaimer clause, in violation
4 of the 10th Amendment and the United States not fulfilling their
5 obligation, to sell **all**(emphasis added) public lands lying in Oregon,
6 the citizens of Oregon, do not have to fulfill their obligation to the
7 United States, to comply with an unconstitutional ordinance,
8 irrevocable without the consent of the United States, that the State of
9 Oregon shall never interfere with the primary disposal of the soil
10 within the State of Oregon by the United States.

11
12 Article VI, Sec. 2, The Supremacy Clause of the United States
13 Constitution states; "This Constitution, and the Laws of the United
14 States which shall be made in Pursuance thereof; and all Treaties
15 made, or which shall be made, under the Authority of the United
16 States, shall be the supreme Law of the Land;"

17 The 1976 Federal Land Policy and Management Act and the policy of
18 the United States that the public lands be retained in Federal
19 ownership is not pursuant to the United States Constitution.

1 Pursuant to Article 1, Sec. 8, cl. 17; " Congress can exercise Authority
2 over all Places **purchased**(emphasis added) by the Consent of the
3 Legislature of the State in which the Same shall be, for the Erection of
4 Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings.

5
6 Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings
7 are the, Property, referred to in Article IV, Sec.3, cl. 2. "The Congress
8 shall have Power to dispose of and make all needful Rules and
9 Regulations respecting the Territory or other Property belonging to
10 the United States;..."

11
12 There are no public lands of the United States in the State of Oregon.

13
14 Second,

15 Defendant, argues the United States District Court lacks jurisdiction
16 to decide this case because the Constitution does not confer upon
17 federal courts the power of judicial review. The Constitution confers
18 upon courts the power only to "support" the Constitution, not to
19 interpret the Constitution. See U.S. Const. art. VI, cl. 3.

1 In 1997, in an appeal from U.S. District Court in Washington State,
2 (Case No.116 F.3d 487) I argued against the constitutionality of
3 federal ownership of public lands in Washington State. I also argued
4 that the Constitution does not confer upon federal courts the power of
5 judicial review. I stated, *Marbury v. Madison*, 5 U.S. 137 (1 Cranch
6 137) (1803), was wrongly decided.

7 The United States Court of Appeals, Ninth Circuit concluded my
8 argument against the constitutionality of judicial review was merit-
9 less, because I offered no reasoning or case law to support my
10 contention that *Marbury v Madison* should be overruled.

11
12 I, now as defendant in the case at bar, offer reasoning and proof to
13 support my contention that *Marbury v Madison* is overruled.

14
15 Article VI, Sec. 2 of the United States Constitution states;
16 “This Constitution, and the Laws of the United States which shall be
17 made in Pursuance thereof; and all Treaties made, or which shall be
18 made, under the Authority of the United States, shall be the supreme
19 Law of the Land; and the Judges in every State shall be bound

1 thereby, any Thing in the Constitution or Laws of any State to the
2 Contrary notwithstanding.

3
4 Article VI, Sec. 3 of the United States Constitution requires,
5 "The Senators and Representatives before mentioned, and the
6 Members of the several State Legislatures, and all executive and
7 judicial Officers, both of the United States and of the several States,
8 shall be bound by Oath or Affirmation, to "support this Constitution;"
9 but no religious Test shall ever be required as a Qualification to any
10 Office or public Trust under the United States."

11
12 These words, inserted when the whole frame of government, with the
13 powers hereinbefore specified, had been adopted by the Convention;
14 and it was in that form, and with these powers, that the Constitution
15 was submitted to the We the People, of the several States, for their
16 consideration and decision.... In the emphatic language of the pledge
17 required, It is to, "support" this Constitution. And there is no power
18 more clearly conferred by the Constitution of the United States than
19 this power to "support" the Constitution.

1 The first law statute of the United States of America, enacted in the
2 first session of the First Congress on 1 June 1789, was Statute 1,
3 Chapter 1: an act to regulate the time and manner of administering
4 certain oaths, which established the oath required by civil and
5 military officials to, "support the Constitution."

6 The first oath prescribed by Congress (June 1, 1789) was simply, "I do
7 solemnly swear (or affirm) that I will "support the Constitution," of
8 the United States."

9 The text now reads:

10 "I, _____, do solemnly swear (or affirm) that I will, "support"
11 and defend "the Constitution,"(emphasis added) of the United States
12 against all enemies, foreign and domestic; that I will bear true faith
13 and allegiance to the same; that I take this obligation freely, without
14 any mental reservation or purpose of evasion; and that I will well and
15 faithfully discharge the duties of the office on which I am about to
16 enter. So help me God."

17

18 In the Judiciary Act of 1789, it took just 1 week short of 4 months for
19 Congress to start perverting the Constitution.

20

1 In the Judiciary Act adopted September 24, 1789, Congress
2 prescribed an unconstitutional "**SECOND**"(emphasis added) oath of
3 office to United States judicial officers towit; I, _____, do solemnly
4 swear or affirm that I will administer justice without respect to
5 persons, and do equal right to the poor and to the rich, and that I will
6 faithfully and impartially discharge and perform all the duties
7 incumbent upon me as _____, according to the best of my abilities
8 and "understanding, agreeably to the Constitution" and laws of the
9 United States. So help me God. (Judiciary Act of 1789, 1 Stat. 73,
10 Sec.8)

11
12 A judge swearing to discharge his duties agreeably to the Constitution
13 of the United States was then defined in Marbury v Madison
14 5U.S.137(1803), when the Supreme Court said, "Why does a judge
15 swear to discharge his duties agreeably to the Constitution of the
16 United States, if that constitution forms no rule for his government?
17 If it is closed upon him, and cannot be inspected by him? If such be
18 the real state of things, this is worse than solemn mockery. To
19 prescribe, or to take this oath, becomes equally a crime".

1 According to Marbury v. Madison, it becomes a crime for a
2 congressman to prescribe this oath and a crime for a judicial officer to
3 take this oath, if the Constitution is closed upon him and cannot be
4 inspected by him , thus, if a justice of judge takes this oath, the
5 Constitution is not closed upon him and must be inspected by him or
6 it will be a crime. This unconstitutional "**SECOND**"(emphasis
7 added) oath of office, unconstitutionally delegated the power to
8 interpret the Constitution to the judicial department of the United
9 States.

10
11 In the 1990 Judicial Improvement Act, Congress replaced the phrase,
12 "according to the best of my abilities and understanding, agreeably to
13 the Constitution and laws of the United States. So help me God," to
14 "under the Constitution."

15 According to the Congressional Research Service of the Library of
16 Congress, who works exclusively for the United States Congress,
17 providing policy and legal analysis to committees and Members of
18 both the House and Senate, prepares upon enactment into law, a
19 final public law summary.

1 Upon the enactment of replacing "according to the best of my
2 abilities and understanding, agreeably to the Constitution and laws of
3 the United States. So help me God," with "under the Constitution,"
4 the Congressional Research Service stated, "This language proved
5 reasonably more effective in tying the decisions of the judiciary to the
6 authority of the United States Constitution."

7 With this final public law summary by the Congressional Research
8 Service, "according to the best of my abilities and understanding,
9 agreeably to the Constitution and laws of the United States. So help
10 me God," being replaced with, "under the Constitution," does this
11 then mean the oath language before 1990 of, "according to the best of
12 my abilities and understanding, agreeably to the constitution and
13 laws of the United States. So help me God," prove reasonably less
14 effective in tying the decisions of the judiciary to the authority of the
15 United States Constitution?

16
17 Are all cases prior to 1990, unconstitutional? According to the
18 Congressional Research Service, Yes!

19

20

1 All cases since the 1990 Judicial Improvement Act and the oath of
2 office, "under the Constitution," are also unconstitutional because of
3 Art. VI, Sec. 3; "The Senators and Representatives before mentioned,
4 and the Members of the several State Legislatures, and all executive
5 and judicial Officers, both of the United States and of the several
6 States, shall be bound by Oath or Affirmation, to "support" this
7 Constitution..."

8 And the Supremacy Clause Art. VI, Sec. 2, "This Constitution, and the
9 Laws of the United States which shall be made in Pursuance thereof;
10 and all Treaties made, or which shall be made, under the Authority of
11 the United States, shall be the supreme Law of the Land..."

12 The oath of office of, "under the Constitution," is no closer to the
13 Constitutional oath to, "support the Constitution," than,
14 "understanding, agreeably" to the Constitution, according to the
15 Constitution.

16
17 If the unconstitutional SECOND oath of office of "understanding,
18 agreeably to the Constitution," had never been prescribed in the
19 Judiciary Act of 1789, 1 Stat. 73, Sec.8, it would never have been

1 available to the Supreme Court in 1803 and Marbury v Madison
2 would have never come into existence.

3
4 The ploy, in the 1990 Judicial Improvement Act, of Congress
5 replacing the phrase, "according to the best of my abilities and
6 understanding, agreeably to the Constitution and laws of the United
7 States. So help me God," to "under the Constitution." worked very
8 well in United States of America v Medenbach, (Case No. 116 F.3d
9 487) where the United States Court of Appeals, Ninth Circuit stated,
10 "Medenbach argues that the district court judge's oath of office was
11 constitutionally deficient because the statutorily prescribed oath of
12 office set out at 28 U.S.C. § 453 does not mirror the wording of the
13 Constitution itself.

14 The Constitution requires that, "all executive and judicial Officers,
15 both of the United States and of the several States, shall be bound by
16 Oath of Affirmation, to support this Constitution." (U.S. Const. art.
17 VI, cl. 3). The oath prescribed by statute requires that each federal
18 justice or judge swear to "faithfully and impartially discharge and
19 perform all the duties incumbent upon me ... under the Constitution

1 and laws of the United States." 28 U.S.C. § 453 (emphasis added).

2 Medenbach argues that the district court judge who presided over

3 Medenbach's bench trial lacked judicial authority because he did not

4 swear to "support" the Constitution, only to perform his duties

5 "under" the Constitution. The Constitution does not require that a

6 judge swear verbatim to "support" the Constitution. Thus, we reject

7 Medenbach's claim that the district court judge's oath of office was

8 deficient.(116 F.3d 487).

9
10 The defendant questions the United States Court of Appeals, Ninth

11 Circuit, stating a judge not having to swear verbatim to "support the

12 Constitution," being pursuant to Article VI, Sec. 2; "This

13 Constitution, and the Laws of the United States which shall be made

14 in **Pursuance thereof**;(emphasis added) and all Treaties made, or

15 which shall be made, under the Authority of the United States, shall

16 be the supreme Law of the Land; and the Judges in every State shall

17 be bound thereby, any Thing in the Constitution or Laws of any State

18 to the Contrary notwithstanding.

19

20

1 **"Support the Constitution,"** is pursuant to the Constitution,
2 **"under the Constitution,"** is not pursuant to the Constitution
3 Since the United States Court of Appeals, Ninth Circuit, panel
4 unanimously found my case suitable for decision without oral
5 argument, the Defendant is bringing this argument up now. Not to be
6 directed to any judge, but to be directed to a jury, at trial.

7

8 Question?

9 Suppose in Marbury v Madison, the Court found the discrepancy in
10 that the legislative grant of power violating the Constitution's limited
11 grant of original jurisdiction to the Court in Article III, Section 2 the
12 court stated, " If congress remains at liberty to give this court
13 postulant authority, where the constitution has declared their
14 authority shall be authentic; and authentic authority where the
15 constitution has declared it shall be postulant; the distribution of
16 authority, made in the constitution, is form without substance."

17 Instead of, "If congress remains at liberty to give this court appellate
18 jurisdiction, where the constitution has declared their jurisdiction
19 shall be original; and original jurisdiction where the constitution has

20

1 declared it shall be appellate; the distribution of jurisdiction, made in
2 the constitution, is form without substance." Because the
3 Constitution does not require that a judge swear verbatim to
4 "support" the Constitution, did appellate jurisdiction and original
5 jurisdiction have to be used verbatim? Absolutely, yes! The same
6 logic has to be applied to the oath of office in Art. VI, Sec.3 to,
7 "support the Constitution" and Art, VI, Sec. 2, the Supremacy
8 Clause, "This Constitution, and the Laws of the United States which
9 shall be made in Pursuance thereof; and all Treaties made, or which
10 shall be made, under the Authority of the United States, shall be the
11 supreme Law of the Land."

12
13 This ploy also worked very well in *Medenbach v United States of*
14 *America* in Case No. 1:14-cv-641-PA where Judge Panner states in
15 regards to the statutory oath of office "under the Constitution," to the
16 constitutional oath of office to "support the Constitution," that,
17 "Plaintiff's claim is wholly insubstantial because the slight difference
18 in wording between the Constitution and the statute providing the
19 oath of office has no legal significance."

1 My question is, how much is the slight difference? Is it the same as
2 original and appellant jurisdiction verses authentic and postulant
3 authority?

4

5 But the ploy doesn't work well in Medenbach v United State of
6 America, Case No. 1: 14-cv-00745-CL., "Report & Recommendation."

7 Judge Panner, in his ORDER, found no error and adopted
8 Magistrates Judge Clark's Report and Recommendation that stated,
9 "The Court has reviewed the complaint and finds that it is
10 substantially the same claim as previously made in the Complaint
11 dismissed by Judge Panner," which stated "Plaintiff's claim is wholly
12 insubstantial because the slight difference in wording between the
13 Constitution and the statute providing the oath of office has no legal
14 significance."

15 This is saying that the constitutional oath,... "all executive and judicial
16 Officers, both of the United States and of the several States, shall be
17 bound by Oath or Affirmation, to "support this Constitution,.."(Art.
18 VI, Sec. 3), the statutory oath, "I, _____, do solemnly swear (or
19 affirm) that I will administer justice without respect to persons, and

20

1 do equal right to the poor and to the rich, and that I will faithfully and
2 impartially discharge and perform all the duties incumbent upon me
3 as _____ "under the Constitution" and laws of the United
4 States.

5 So help me God." (28 USC @453) are substantially the same as the
6 oath, "I, _____, do solemnly swear or affirm that I will
7 administer justice without respect to persons, and do equal right to
8 the poor and to the rich, and that I will faithfully and impartially
9 discharge and perform all the duties incumbent upon me as
10 _____, according to the best of my abilities and
11 "understanding, agreeably" to the constitution and laws of the United
12 States. So help me God." (1Stat. 73 Sec. 8). This oath being used in
13 Marbury v Madison, as the justification of the power to interpret the
14 Constitution.

15

16 Then, according to Magistrate Judge Clark and Judge Panner, if,
17 "support the Constitution," "under the Constitution" and
18 "understanding, agreeably to the Constitution," are substantially the
19 same claim, then everybody in government has the power to interpret

20

1 the Constitution, because everybody in government, takes this oath.

2 "I, _____, do solemnly swear (or affirm) that I will "support"

3 and defend "the Constitution"(emphasis added) of the United States

4 against all enemies, foreign and domestic; that I will bear true faith

5 and allegiance to the same; that I take this obligation freely, without

6 any mental reservation or purpose of evasion; and that I will well and

7 faithfully discharge the duties of the office on which I am about to

8 enter. So help me God."(5 U. S. C. § 3331). How unconstitutional and

9 chaotic that would be!

10

11 The Constitution allows and requires only one oath of office to,

12 "support the Constitution."

13 Any **second**(emphasis added) oath of office for United States judicial

14 officers is unconstitutional.

15

16 Any other oath of office for United States justices and judges, that

17 does not have, "support the Constitution," in it, prescribed by

18 Congress and taken by said judicial officers, is an oath of office to not

19 support the Constitution, in violation of Article VI, Sec. 2, " This

20

1 Constitution, and the Laws of the United States which shall be made
2 in Pursuance thereof; and all Treaties made, or which shall be made,
3 under the Authority of the United States, shall be the supreme Law of
4 the Land;...", Article VI, Sec. 3... all executive and judicial Officers,
5 both of the United States and of the several States, shall be bound by
6 Oath or Affirmation, to "support this Constitution"...and the 10th
7 Amendment.

8
9 The 10th Amendment, which is never mentioned in *Marbury v*
10 *Madison*, states; "The powers not delegated to the United States by
11 the Constitution, nor prohibited by it to the States, are reserved to the
12 States respectively, or to the people."

13 In *Marbury v Madison* the Supreme Court, unconstitutionally,
14 delegated to the judicial department, the power to interpret the
15 Constitution, when it stated; "It is emphatically the province and duty
16 of the judicial department to say what the law is, the power to look
17 into the Constitution by the judges, the power to examine the
18 Constitution, the power of other parts of the Constitution which serve
19 to illustrate this subject, the unconstitutional "SECOND"(emphasis

1 added) oath of office of, “understanding, agreeably to the
2 Constitution” and anything else in Marbury v Madison that gives
3 power to the United States, are all powers not delegated to the United
4 States by the Constitution, they are powers delegated to the United
5 States by the Supreme Court in Marbury v Madison who and which
6 can not delegate that power. Only the United States Constitution can
7 delegate that power!

8 Once again!

9 The Supreme Court in Marbury v Madison can not delegate the power
10 to interpret the Constitution to the judicial department of the United
11 States. Only the Constitution can delegate the power to interpret the
12 Constitution to judicial department of the United States and it does
13 not.

14
15 Marbury v Madison was wrongly decided and is thus, null and void.


16
17 All the above mentioned powers quoted in Marbury v Madison are
18 powers reserved to the people, pursuant to the 10th Amendment,
19 "The powers not delegated to the United States by the Constitution,

1 nor prohibited by it to the States, are reserved to the States
2 respectively, or to the people.”

3
4 Since all state officers take an oath to, "support the Constitution,"
5 pursuant to Article VI, Sec. 3 of the United States Constitution which
6 requires, "The Senators and Representatives before mentioned, and
7 the Members of the several State Legislatures, and all executive and
8 judicial Officers, both of the United States and of the several States,
9 shall be bound by Oath or Affirmation, to "support this Constitution;"
10 but no religious Test shall ever be required as a Qualification to any
11 Office or public Trust under the United States," the above mentioned
12 powers in Marbury v Madison are prohibited by the Constitution to
13 the States, because the States have only the power to "support the
14 Constitution." Thus are prohibited by the 10th Amendment to
15 interpreting the Constitution, "The powers not delegated to the
16 United States by the Constitution, nor prohibited by it to the States,
17 are reserved to the States respectively, or to the people."

18
19 Thus the above mentioned powers quoted in Marbury v Madison, are

1 reserved to , "We the People of the United States, in Order to form a
2 more perfect Union, establish Justice, insure domestic Tranquility,
3 provide for the common defence, promote the general Welfare, and
4 secure the Blessings of Liberty to ourselves and our Posterity, who
5 ordained and established this Constitution for the United States of
6 America," thru jury nullification.

7
8 December 21, 2015 
9 Kenneth W. Medenbach

CERTIFICATE OF SERVICE

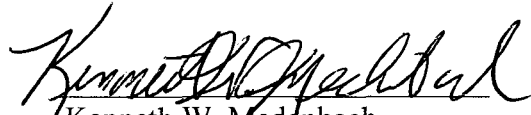
I hereby certify that on December 21, 2015, I made service of the following document:

MOTION TO DISMISS FOR LACK OF JURISDICTION

By placing a copy in a first-class postage paid envelope in Crescent, OR for delivery by

U.S. mail to the address set forth below:

United States of America
U.S. Attorney's Office
310 West Sixth
Medford, Oregon 97501


Kenneth W. Medenbach
135887 Main st., PO Box 333
Crescent, OR 97733